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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,257	12/20/1999	ANGELA K. HANSON	10990314-1	3407

22879 7590 10/28/2003

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FORT COLLINS, CO 80527-2400

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/28/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/468,257

Applicant(s)

HANSON ET AL.

Examiner

Joseph R. Pokrzywa

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 2-5, 7-20, 22 and 24-33.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

DETAILED ACTION

Advisory Action

1. The shortened statutory period for reply expires THREE MONTHS from the mailing date of the final rejection or as of the mailing date of this advisory action, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Any extension fee required pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for reply expires as set forth above.

Response to Amendment

2. The amendment filed 8/13/03 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): none

Rejected claim(s): 2-5, 7-20, 22, and 24-33

Claim(s) objected to: none

Response to Arguments

3. Applicant's arguments filed 8/13/03 have been fully considered but they are not persuasive.

4. In response to applicant's arguments regarding the rejection of **claims 11-13, 26, and 28** under 35 U.S.C. 102(b) as being anticipated by Cass, which states on page 11 that the anticipation does not require the consideration of a person of ordinary skill, nor do the claims require the "selection" step which is stated as being key to the "interpretation" of the claims. Because the examiner is considered "one of ordinary skill in the art", and because the examiner interpreted features taught in the reference of Cass which anticipate the limitations in the claim language, the statement in the Office action dated 6/18/03, indicating "one of ordinary skill in that art can still interpret the claims, as currently amended", is deemed proper. The examiner agrees with the applicant, in that the claims do not require any "selection" step. However, in explaining the examiner's interpretation of the reference, the examiner noted that Cass teaches of selecting a communication mark by drawing an "X" over the mark. Currently, claim 11 requires the limitation "without adding any address information, scanning the document to obtain at least one communication mark", as indicated in applicant's arguments on page 12, wherein applicant further argues that Cass teaches of adding a mark "X" for selection of one of a number of elements, thereby being considered "added information". It is noted that the claim is not specifying "without adding any information", but rather "without adding any **address** information", with emphasis added. By placing an "X" over an element for selection of the communication mark (as mentioned by the examiner), and then scanning the document to obtain the communication mark, it can clearly be seen that no address information is being added to the

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document. While the examiner admits that an "X" mark is added to the document, which is "added information", this still is not the same as "added address information".

5. Therefore, the rejection of *claim 11*, as well as the rejection of *claims 26 and 28*, as being anticipated by Cass, as cited in the Office action dated 6/18/03, is maintained.

6. Continuing, in response to applicant's arguments on pages 13 through 16, regarding the rejection of *claims 2-5, 7-10, 14-18, 20, 22, 24, 25, 27, 29, and 30* under 35 U.S.C. 103(a) as being unpatentable over Witek (U.S. Patent Number 5,461,488) in view of Li *et al.* (U.S. Patent Number 5,506,697), which states on page 16 that the Witek fails to teach of decoding the communication mark, since the decoding of Witek is of the text data which can be read and decoded by OCR software. Further, the applicant argues that while there is mention of the possibility of one or more destinations for any given fax, there is no mention of modes, per se let alone first and second different modes. The communication mark, as claimed, is interpreted as the custom pattern recognition code 18 located on a cover sheet, as read in column 3, lines 24 through 36. With this, Witek teaches of decoding the communication mark, whereby a custom pattern recognition code 18 is recognized and identified by the system of Witek, as read in column 3, line 63 through column 4, line 3. This can be considered "decoding", since a particular "code" representing an address, a user name, a numerical value, a network identifier, or any like identification means, is recognized so as to identify a proper destination. Continuing, the decoded communication mark obtains at least a first communication address for a first communication mode (with a first communication mode being a communication as an e-mail to one of the computers 26, as read in column 4, lines 10 through 19) and a second communication

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address for a second different type of communication mode (with the second communication mode being a communication of the fax message to a printer, as read in column 4, lines 15 through 19) directly or indirectly from the communication mark (with the end user being recognized and identified from the code 18, as being one of the computers 26, or that of a printer, as read in column 3, line 63 through column 4, line 19, as well as in column 6, lines 48 through 55).

7. Therefore, the rejection of independent *claims 5, 15, 20, 22, 24, 25, and 27*, as cited in the Office action dated 6/18/03, as being unpatentable over Witek in view of Li *et al.*, is maintained. Further for the same reasons discussed above, the rejection of *claims 19, and 31-33*, as being unpatentable over Witek in view of Li *et al.*, and further in view of Cass, is also maintained.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Joseph R. Pokrzywa

Examiner

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jrj



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